

PUBLIC WORKS DEPARTMENT
BUILDING AND ROADS BRANCH
The 12th September, 1979

No. 18/431/PWIII(I)-79.—The Governor of Haryana is pleased to declare the following Sub-Divisional Engineers (Electrical and Mechanical) successful in the Departmental Professional Examination held from the 30th May, 1979 to 31st May, 1979 :—

Serial No.	Name	Subject
1	Shri K. K. Roy, S.D.E. (Elect.)	Exemption already granted in the papers of simple Mechanical Engineering for Elect. Engineers/ Accounts and Office Procedure/ <i>Viva-voca</i> ,— <i>vide</i> Government Notification No. 18/124-PWDII (7)-79, dated 20th March, 1979.
2	Shri Amarjit Singh Kalsi SDE (Elect.)	
3	Shri Ashok Kumar Bansal, S.D.E., (Mech.)	Exemption already granted in papers Simple Electrical Engineering for Mechanical Engineers/ <i>Viva voca</i> ,— <i>vide</i> Government Notification No. 11046-P W. III(7)-77/36930, dated 24th November, 1977 and in Accounts and Office Procedure,— <i>vide</i> Government Notification No. 18/124-PWIII(7)-79, dated 20th March, 1979.
4	Shri M. C. Gupta, S.D.E. (Mech.)	Exemption already granted in paper Simple Electrical Engineering for Mech. Engineers/Accounts and Office Procedure/ <i>Viva-voca</i> ,— <i>vide</i> Government Notification No. 11046 P.W.III(7)-77/36930, dated 24th November, 1977.

2. The Governor of Haryana is also pleased to grant exemption to the following Sub-Divisional Engineers in the papers noted against their names as they have obtained more than 60% marks in these papers in the Departmental Professional Examination held from 30th May, 1979 to 31st May, 1979.—

Serial No.	Name	Subject
1	Shri Karan Singh Malik, S.D.E., (Elect.)	Simple Mechanical Engineering/ Accounts and Office Procedure/ <i>viva voca</i> .
2	Shri Kuldip Singh Mehra, S.D.E. (Mech.)	Mechanical Engineers/Accounts and Office Procedure/ <i>viva-voca</i>

H.V. GOSWAMI,
Commissioner and Secy.

IRRIGATION AND POWER DEPARTMENT

The 23rd October, 1979

No. 10414-A.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expense, for a public purpose, i.e., for land to be acquired for the construction of Pandit Jawahar Lal Nehru Feeder R.D. 51620 to R.D. 52090 in village Kheri Dhankar, tehsil Gohana, district Sonepat, for which a notification has been issued under section 4 and published, —*vide* Haryana Government, Irrigation and power Department, notification No. 4930-A, dated 19th May, 1979 in *Haryana Government Gazette, Part-I*, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provision of section 6 of the land Acquisition Act, 1894, for information to all whom it may concern.

And whereas the Governor of Haryana is further of the opinion that the purpose for which the land is required is of an urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said Act.

Therefore, it is hereby directed under sub-section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in regard to this Acquisition.

Plans of the land may be inspected in the office of the Land Acquisition officer Rohtak.

SPECIFICATIONS

District	Tehsil	Village	Area in acres	Hadbast No.	Direction
Sonepat	Gohana	Kheri Dhankan	2.66	63	A strip of land 470 feet in length and 148.50 feet in width lying generally from North-East to South-West comprising of Killa number as below :—
					Rectangle number Killa number part or whole
					80 2, 3, 9, 11, 20
					81 16, 24, 25
					98 5

By order of Governor of Haryana,
(Sd.) . . .

Superintending Engineer,
Construction Circle No. I,
3-Alipur Road, Delhi-6.

PUBLIC WORKS DEPARTMENT

PUBLIC HEALTH BRANCH

The 9th November, 1979

No. 18495.—Whereas it appears to the Governor of Haryana that the land is likely to be required to be taken by the Government, at public expense, for a public purpose, namely, Prove Master Sewerage Scheme in Palwal Town district Gurgaon, it is hereby notified that the land in the locality described in the specification below is required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and worker, to enter upon and survey and land in the locality and do all other act required or permitted by that section.

Any person interested in the above land who has any objection to the acquisition thereof may within 30 days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., Buildings and Roads (Public Health) Haryana, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality/ Village	Hadbast No.	Area in acres	Khasra No.	Remarks
Gurgaon	Palwal	Palwal	73	27.875	197	
					25 25 25	
					1 2 3	
					198	
					21 21 21 22 22 24 25	
					1 2 3 1 2 24 1	

District	Tehsil	Locality/ Village	Habdist No.	Area in acres	Khasra No.	Remarks
					217	
				1 11 1 2 2 7 1", 2, 3, 1, 2, 3, 4, 2, 8, 1", 2, 3, 1, 2, 3, 4, 2, 8,		
					217	
				9 9 10 10 11 11 12 1, 2, 1, 2, 1, 2, 1, 2, 1		
					217	
				12 12 13 13 18 19 19 2, 3, 1, 2, 2, 1, 2,		
					217	
				20 20 21 21 22 1, 2, 1, 2, 2, 1, 2,		
					218	
				5 5 6 6 15 15 15 16 1, 2, 1, 2, 1, 2, 1, 2, 3, 1		
					218	
				16 25 25 25 2, 1, 2, 3,		
					235 236	
				5 1 1 2 10 10 1, 1, 2, 1, 1, 2, 1, 2,		
					475, 1076, 2194, 2195, 2203, 2204, 2214	

Dated 1st November, 1979. I, K. SANAN,
Superintending Engineer,
P.W.D., Public Health Circle,
Gurgaon.

BUILDINGS AND ROADS BRANCH

CIRCLE AMBALA

The 6th November, 1979

No. SE/P.W.D./B.&R./Ambala/1155.—Whereas it appears to the Governor of Haryana that land is likely to be needed by the Government, at public expenses, for a public purpose, constructing a link road from Ambala-Jagadhri to village Munnerheri (Left out village Ravlan only) in Ambala District, it is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers, for the time being engaged in the undertaking with their servants and

workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection, in writing, before the Land Acquisition Collector, P.W.D., B. & R. Branch, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality/ Village	Hadbast No.	Area in acres	Khasra Nos.
Ambala	Ambala	Ravlan	65	0.90	3
					3/1, 4/1, 4/2, 4/3, 4/4, 4/5, 9/1, 9/2, 7/1, 7/2, 7/3, 6/25
					5, 6, 8, 13, 27, 28, 29, 30, 31, 32, 33, 34, 57, 66, 63, 188
					2
					11/1,

No. SE/P.W.D./B. & R./Ambala/1155.—Whereas it appears to the Governor of Haryana that land is likely to be needed by the Government, at public expenses, for a public purpose, namely, for the construction of link road from Bari Pabni Sarawan Road to village Malikpur in Ambala District, it is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers, for the time being engaged in the undertaking, with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification, is given in the locality, file an objection in writing before the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Khasra Nos.
Ambala	Jagadhri	Malakpur	290	0.60	15
					16, 17/2, 18, 23, 24/1, 24/2, 25/1
					44, 46, 51

(Sd.)

Superintending Engineer,
Ambala Circle, P.W.D. B. & R. Branch,
Ambala Cantt.

JIND CIRCLE

The 12th November, 1979

No. 232.—Whereas it appears to the Governor of Haryana that the land is likely to be required to be taken by the Government, at the public expense, for public purpose, namely, Safidon-Panipat road to Bhuslana including link from Brodh to Village Todi Kheri (Sec. Todi Kheri to Brodh) it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section IV of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorised the officers for the time being engaged in undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts, required or permitted by that section.

Any person interested, who has any objection to acquisition of any land, in the locality may within thirty days of the publication of this notification file an objection in writing, before the Land Acquisition Collector, Public Works, Department, Buildings and Roads Branch, Ambala Cantt.

Name of District	Name of Tehsil	Name of Village	Area in acres	Remarks
1 Jind	Safidon	Todi Kheri	6.02	12 17, 18, 22, 23, 24 14 1, 2, 10 15 6, 7/1, 7/2, 13, 14/1, 14/2, 15, 17, 18/1, 18/2, 19, 21, 22/1, 22/2, 23 26 5/1, 6/1, 6/2, 7/1, 7/2, 13/1, 13/2, 14, 15/1, 18, 19/1, 19/2, 21/1, 21/2, 21/3, 22 27 1, 2, 10 30 1/1, 1/2 31 5, 6, 7, 8, 14, 18/1, 18/2, 19/1, 19/2, 21, 22/1, 22/2 36 4, 5/1, 5/2, 6 37 1, 6, 7, 8, 9, 10 53/1, 53/2, 53/3, 53/4, 53/5, 53/6, 53/7, 53/8, 53/9, 53/10, 53/11, 53/12, 53/13, 64, 65, 67, 78, 83, 88, 179, 180, 181, 182, 183, 184, 185, 188, 193, 194, 195, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 373, 374, 376, 384, 388
2 Do	Do	Anta	2.02	1 16, 25 2 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 3 20, 21, 22

Name of District	Name of Tehsil	Name of Village	Area in Acres	Remarks
3 Jind—concl	Safidon—concl	Barodh	2.51	42
				19, 20, 21, 22/1, 22/2
				43
				16, 17, 18, 19, 20, 21, 22, 23, 24, 25
				44
				16/1, 16/2, 17, 18, 19, 20, 21, 22, 23,
				24, 25
				45
				16, 17, 18, 19, 23, 24, 25
				91, 224, 230, 234
Total			10.55	

(Sd.)

Superintending Engineer,
Jind Circle, P.W.D., B.&R. Branch,
Jind.

KARNAL CIRCLE

The 9th November, 1979

No. SE/Karnal/PWD/B&R/630.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government, at public expense for a public purpose, namely Kaulapur Merchaheri, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, Haryana, Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality/ Village and Habbast	Area in acres	Rectangle/Killa No.
Kurukshetra	Thanesar	Untsal No. 350	3.84	12/11 21, 22
				4
				1, 2, 9, 10, 11, 12, 20/1, 20/2, 21
				5
				16, 25/1, 25/2

District	Tehsil	Locality/ Village and Habbast	Area in acres	Rectangle/Killa No.
Kurukshetra— contd.	Thanesar— contd	Untsal No. 350— concl	3.84— concl	9 4, 5, 6, 7, 14, 15/1, 15/2, 16, 17, 23, 24/1, 24/2 16
				2, 3/1, 3/2, 8, 9/1, 9/2, 10, 11/1, 11/2, 12, 20/1, 20/2, 4 17
				15, 16/1, 16/2, 17/2, 23, 24/1, 24/2, 25 20
				3/1, 3/2, 4
Do	Do	Morthala, No. 107	0.42	48 13, 18, 19, 22
Do	Do	Merchaheri, No.	5.51	18 5, 6, 7, 14 19 1 17 15, 16, 25 16 1, 2, 10, 11, 20, 21 9 22, 23, 24, 25, 26, 16 10 16, 17, 18, 19, 20, 21, 25 11 20, 21, 19, 12, 13, 8, 3, 9

(Sd.) . . .
 Superintending Engineer,
 Karnal Circle, P.W.D., B. & R., Branch,
 Karnal (Haryana).

LABOUR AND EMPLOYMENT DEPARTMENT

The 3rd October, 1979

No. 10(178)78-5Lab.—In exercise of the powers conferred by section 87 read with section 91-A of the Employees State Insurance Act, 1948 (Central Act 34 of 1948), the Governor of Haryana hereby exempts the undermentioned factories and establishments engaged in the manufacturing processes in the State of Haryana from the operation of the said Act with effect from the 1st July, 1979, to the 30th June, 1980, namely :—

1. Redrying manufactured leaf tobacco.
2. Rice milling.

3. Salt manufacture.
4. Wool pressing either with or without cotton pressing and ginning.
5. Oil mills, subject to the condition that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil mills is less than fifty.
6. Ice manufacture.

H. L. GUGNANI, Secy.

LABOUR DEPARTMENT

The 27th April, 1979

No. 11(21)-79-4Lab.—The following draft of rules further to amend the Haryana Contract Labour (Regulation and abolition) Rules, 1975, which the Governor of Haryana proposes to make in exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970, is hereby published as required by sub-section (1) of that section for the information of all persons likely to be affected thereby.

Notice is hereby given that the said draft will be taken up for consideration on or after a period of forty-five days from the date of publication in the official Gazette together with objections or suggestions, if any, which may be received by the Labour Commissioner, Haryana, Chandigarh, from any person with respect to the said draft rules before the expiry of period so specified :—

DRAFT RULES

1. These rules may be called the Haryana Contract Labour (Regulation and Abolition) Amendment Rules, 1979.

2. In the Haryana Contract Labour (Regulation and Abolition) Rules, 1975 (hereinafter referred to as the said rules), for rule 24A, the following rule shall be substituted, namely :—

“24A. *Security Deposits.*—The amount of security or the balance amount required to be deposited under rule 24 of rule 24D as the case may be, shall be deposited in the treasury under the head of account ‘843—Civil Deposits under various Central and State Acts—Deposits under the Contract Labour (Regulation and Abolition) Act, 1970’.”

3. In the said rules, after rule 24A, the following rule shall be inserted namely :—

“24B. *Adjustment of security deposits in certain cases.*—Where the applicant for the licence was holding a licence in regard to another work and that licence had expired the licensing officer, if he is of the view that any amount of the security deposited in respect of that licence is to be directed to be refunded to the applicant under rule 31, may, on an application made for that purpose in Form 5C by the applicant adjust the amount so to be refunded towards the security required to be deposited in respect of the application for the new licence and the applicant need deposit, in such a case, only the balance amount, if any, after making such adjustment”.

4. In the said rules, in rule 25, after condition VIII, the following conditions shall be inserted, namely :—

“IX. No female contract labour shall be employed by any contractor before 6.00 a.m. or after 7.00 p.m. provided that this clause shall not apply to the employment of women in pithead baths, creches and canteens and as to mid-wives and nurses in hospitals and dispensaries.

X. A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on.”.

5. In the said rules, for rule 27, the following rule shall be substituted, namely :—

“27. *Validity of licence. Section 13.*—Every licence granted or renewed shall remain in force up to the 31st December of the year for which the licence is granted or renewed”.

6. In the said rules, in rule 72, for the words, “Wage-cum-Muster Roll” the words “Register of Wages-cum-Muster Roll” shall be substituted.

7. In the said rules, in rule 77, for sub-rules (1) and (2), the following sub-rules shall be substituted, namely :—

"1(a) Every contractor shall in respect of each work on which he engages contract labour :—

- (i) maintain a Muster Roll and Register of Wages in Form 12 and Form 13 respectively, provided that a combined Register of Wage-cum-Muster Roll in Form 14 shall be maintained by the contractor where the wage period is fortnight or less ;
- (ii) maintain a Register of Deductions for damage or loss, Register of Fines and Register of Advances in Form 16, Form 17 and Form 18 respectively;
- (iii) maintain a Register of Overtimes in Form 19 recording therein the number of hours of, and wages paid for, overtime work, if any.

(b) Every contractor shall, where the wage period is one week or more, issue wage-slips in Form 15, to the workmen at least a day prior to the disbursement of wages ;

(c) Every contractor shall obtain the signature or thumb-impression of the worker concerned against the entries relating to him on the Register of Wages or Muster Roll-cum-Wages Register, as the case may be, and the entries shall be authenticated by the initials of the contractor or his authorised representative, and shall also be duly certified by the authorised representative of the principal employer in the manner provided in rule 72.

(d) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder, or the Minimum Wages Act, 1948 (II of 1948) or the rules made thereunder, the following registers and records required to be maintained by a contractor as employer under those Acts and the rules made thereunder shall be deemed to be registers and records to be maintained by the contractor under those rules, namely :—

- (a) Muster Roll ;
- (b) Register of wages ;
- (c) Register of Deductions ;
- (d) Register of Overtime ;
- (e) Register of Fines ;
- (f) Register of Advances ;
- (g) Wage Slip.

(e) In Form 4, after item 5, the following item shall be inserted, namely :—

"Particulars of security deposit, if any, required to be adjusted, including Treasury Receipt number and date."

The amount of security or balance, if any, after adjustment, of amount to be refunded under rule 31, if any, deposited with Treasury Receipt number and date".

(f) After Form 5B, the following Form shall be inserted namely :—

FORM 5 C

[See rule 24 (B)]

APPLICATION FOR ADJUSTMENT OF "SECURITY" DEPOSIT

Name and address of the Contractor	No. and date of licence	Date of expiry of previous licence
1	2	3
Whether the licence of the contractor was suspended or revoked	No. and date of treasury receipt of security deposit in respect of the previous licence	Amount of previous security deposit
4	5	6

No. and date of treasury receipt of the balance security deposit, if any, required on the fresh contract No. and date of certificate of registration of the establishment in relation to which the new licence is applied for Name and address of the Principal employer

7

8

9

Particulars of fresh contract

Remarks

10

11

Place :

Signature of applicant

Date

(g) In Form 6—

for the words "Licence is hereby granted to _____ under section 12(2) of the Contract Labour (Regulation and Abolition) Act, 1979, subject to the condition specified in Annexure.

The licence shall remain in force till _____, the following shall be substituted, namely :—

"Licence is hereby granted to _____ under section 12(2) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the condition specified in rule 25, for workers not exceeding _____.

This licence is for doing the work of (Nature of work to be indicated) in the establishment of (name of principal employer to be indicated) at (place of work to be indicated).

The licence shall remain in force till _____.

(h) In Forms 12, 13 and 14, for the brackets, words, figures and letter "[see rule 77(2)(a)]", the brackets, words, figures and letter "[see rule 77(1)(a)(i)]" shall be substituted.

(i) In Form 15, for the brackets, words, figures and letter "[see rule 77(2)(b)]", the brackets, words, figures and letter "[see rule 77(1)(b)]" shall be substituted.

(j) In Forms 16, 17 and 18, for the brackets, words, figures and letter "[see rule 77(2)(c)]", the brackets, words, figures and letter "[see rule 77(1)(a)(ii)]" shall be substituted.

(k) In Form 19, for the brackets, words, figures and letter "[see rule 77(2)(d)]", the brackets, words, figures and letter "[see rule 77(1)(a)(iii)]" shall be substituted.

The 9th November, 1979

No. 11(112)-3-Lab-79/11817.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Jindra Steel and Tubes Limited, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 564 of 1978

between

SHRI RAJ NARAIN, WORKMAN AND THE MANAGEMENT OF M/S JOTINDRA
STEEL AND TUBES LTD., MATHURA ROAD,
FARIDABAD

Present :—

Shri R. N. Roy, for the workman.

Shri O. P. Tyagi, for the management.

AWARD

By order No. ID/FD/11/54248, dated the 1st December, 1978, the Governor of Haryana referred the following dispute between the management of M/s Jotindra Steel and Tubes Ltd., Mathura Road/ Faridabad and its workman Shri Raj Narain to this] Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of the services of Shri Raj Narain was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference, the notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 3rd July, 1979:—

1. Whether Shri Raj Narain was a workman at the relevant time ?

And the case was fixed for the evidence of the workman. The workman examined himself as WW-1, and closed his case. Then the case was fixed for the evidence of the management. The management examined Shri M.L. Acharya an Electrical Engineer of the management as MW-1 and closed their case. Then the case was fixed for arguments. Arguments have been heard. I now give my finding on the issue :—

Issue No. 1.—WW-1 the workman concerned stated that he was appointed as an Electrician at Rs 375/- in 1973 and the management gave him additional work of Supervisor. He was working with his hands also. He could not allot the work nor charge the duties. He could not issue charge-sheet nor could sanction leave. The management did not pay retrenchment compensation, nor one month's notice wage and terminated his services without any reason. In cross-examination he admitted that he was orally told by the management that they have promoted him as a Supervisor. After promotion as Supervisor the management was giving him an Electrician and an helper. Formerly he was not getting all these except a helper. He admitted the signatures on Ex. M-1 to M-47 and also on the staff attendance register. In this register his designation has been shown as Supervisor. The word Supervisor is written in his own hand. He admitted that he used to sign as Supervisor right from the date of promotion till the date his services were terminated. He also admitted that whenever any defect was reported to him he had to decide about its rectification. The three other Supervisors had left the factory who were in each shifts. He had been promoted as Supervisor thereafter and there was no other Supervisor in his shift. He received the letter dated 22nd January, 1977 promoting him as Supervisor with effect from 1st January, 1977, that he admitted after refreshing his memory.

The statement of the workman himself shows that he had been promoted as Supervisor with effect from 1st January, 1977 and was signing as such and has been described as such in the records. MW-1 also stated that Shri Raj Narain was a Supervisor under him. MW-1 is Electrical Engineer. Shri Raj Narain had to guide the workman. Shri Raj Narain was performing the duties of a Supervisor. The Supervisor recommended the leave of the workman and was consulted while granted increments. The complaints of the workman were forwarded to the Supervisor. MW-3 also corroborated the statement of MW-1 and stated that Shri Raj Narain was recommending authority regarding leave, increments, disciplinary action etc. He had been promoted as a Supervisor. He was also getting leave of a Supervisor and not of a workman. The workman got 14-15 leave whereas a Supervisor got 30 days leave. Casual leave also after from seven to the workman to twelve to the Supervisor. The attendance register pertained to officials, accounts branch and technical branch, Mechanical staff includes the Supervisor. The attendance register was not meant for the workman, as the workman are marked attendance on attendance cards. Shri Raj Narain was getting Rs 575/- as salary.

Ex. M-A is dated 22nd January, 1977 reading that Shri Raj Narain has been promoted as a Supervisor with effect from 1st January, 1977. Ex. W-1 also describes Shri Raj Narain as a Supervisor. It is dated 16th August, 1978. Ex. M-1 to M-43 bear the signatures of Shri Raj Narain which are requisitions of stores. Ex. M-44 to M-46 are gate passes signed by Shri Raj Narain as Supervisor issued to other workman. Ex. MW-2/1 is an extract from staff attendance register described Shri Raj Narain as Supervisor on 2nd January, 1978 and 5th September, 1978. Ex. MW-2/2 is also an extract from attendance register in which Shri Raj Narain has been described as Supervisor. It pertains to February, 1977, January, 1978 and September, 1978.

All the documentary evidence and oral evidence prove that Shri Raj Narain was a Supervisor and not a workman. The preponderance of evidence prove Shri Raj Narain as Supervisor. Even the statement in cross-examination of Shri Raj Narain prove that he was a Supervisor. I, therefore, decide this issue against the workman. As a result of my finding on this issue, Shri Raj Narain is not found to be a workman and hence his dispute could not be referred for adjudication under the Industrial Disputes Act. I quash the reference with the above observation. While answering the reference, I give my award that Shri Raj Narain is not found to be a workman and hence the question of justifiability or otherwise of termination of his services could not be referred under the Industrial Disputes Act and therefore, I have no jurisdiction.

Dated 22nd September, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 910, dated 24th September, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/12131.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Rabindra Textile Mills, Mathura Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 203 of 1976

between

SHRI VIJAY PAUL SINGH, WORKMAN AND THE MANAGEMENT OF M/S RABINDRA
TEXTILE MILLS, MATHURA ROAD, FARIDABAD

Present:—

Shri Darshan Singh, for the workman.

Shri D. C. Bhardwaj, for the management.

AWARD

By order No. ID/FD/122-B-76/34576, dated 21st September, 1976, the Governor of Haryana referred the following dispute between the management of M/s Rabindra Textile Mills, Mathura Road, Faridabad, and its workman Shri Vijay Paul Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Vijay Paul Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 12th January, 1977:—

1. Whether the domestic enquiry was proper, valid and in accordance with principles of natural justice?

2. Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

Issue No. 1 was decided by my separate order, dated 30th August, 1978, against the management. I held the enquiry initiated. Then the case was fixed for the evidence of the management on merits, i.e. on issue No. 2. The management examined Shri S. S. Sachdeva, the Enquiry Officer as MW-1 who proved documents Ex. M-1 to M-3. MW-2 Shri S. K. Talwar, Time Office Incharge, tendered in evidence Ex. M-5 to M-8 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case fixed for arguments. Arguments have been heard. The sole point in controversy is that the management asked the workman to work on a machine in another factory named as M/s New India Dyeing and Finishing Mills. The workman asked to give this order in writing. The management did not give this order in writing and dismissed the workman after levelling a false charge. It is in the evidence of both the parties that the shearing machine on which the workman was asked to work was in the factory named and styled as M/s. New India Dyeing and Finishing Mills. The management has also admitted that. The management stated that this machine belonged to them. The workman refused to work in that factory named as M/s. New India Dyeing and Finishing Mills. The workman was employee of M/s. Rabindra Textile Mills. The management admitted that this machine was installed in another factory named as M/s. New India Dyeing and Finishing Mills. Later on when MW-3 was examined he deviated from the statement of MW-1 and stated that this machine was in Dyeing department of theirs but in cross-examination he had to admit that New India and Finishing Mills had a separate entity but it belonged to the same owner. The workmen of both these factory were different. There was no boundary wall between the two. He also admitted that the Shearing machine on which the workman was ordered to work was in the shed of M/s. New India Dyeing and Finishing Mills.

In these circumstances, I think that the workman was within his right to refuse to work in another factory. Has he done so, it would have been a ground with the management to level a charge against the workman and to terminate his services, although now the management has terminated the services of the workman but without grounds. I, therefore, decide issue No. 2 against the management. While answering the reference, I give my award that the management terminated the services of the workman without any justification. I, therefore, set aside the termination of services of the workman. The workman is entitled to reinstatement with continuity of service and with full back wages. The management is ordered accordingly.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 909, dated 24th September, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/12555.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana Polymer Corporation, Ballabgarh:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 201 of 1979

between

SHRI CHARAN SINGH WORKMAN AND THE MANAGEMENT OF M/S HARYANA POLYMER CORPORATION, BALLABGARH

Present.—

None for the workman.
None for the management.

AWARD

By order No. 33/79/31296, dated the 9th July, 1979, the Governor of Haryana referred the following dispute between the management of M/s Haryana Polymer Corporation, Ballabgarh, and its workman Shri Charan Singh to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Charan Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. None appeared despite service. The case was dismissed at 2-30 p.m., after being called thrice. I, therefore, give my award that there is no dispute between the parties.

Dated the 3rd October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 928, dated 10th October, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/12556.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Rattan Chand Harjas Rai (Mouldings) (P) Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 194 of 1979

Between

SHRI MANOHAR LAL, WORKMAN AND THE MANAGEMENT OF M/S RATTAN CHAND HARJAS RAI (MOULDINGS) (P) LTD., FARIDABAD.

Present:

None for the workman.
K. P. Agrawal for the management.

AWARD

By order No. FD/1/79/30876, dated 5th July, 1979 the Governor of Haryana referred the following dispute between the management of M/s Rattan Chand Harjas Rai (Mouldings) (P) Ltd., Faridabad, and its workman Shri Manohar Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:

Whether the termination of services of Shri Manohar Lal was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties have been served. The representative for the workman did not appear. Neither the workman appeared. The management appeared. The case was dismissed in default. I, therefore, give my award that there is no dispute between the parties.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 931, dated 10th October, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.